

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN FAUST,

Plaintiff,

Case No. 20-cv-10365

Hon. Matthew F. Leitman

v.

FLINT TOWNSHIP, *et al.*,

Defendants.

/

ORDER DISMISSING PLAINTIFF'S
COMPLAINT WITHOUT PREJUDICE

On February 12, 2020, Plaintiff Brian Faust, through retained counsel, filed this civil-rights action against Flint Township and others. (*See* Compl., ECF No. 1.) Faust's counsel later filed a motion to withdraw due to a "breakdown" in the attorney-client relationship. (Mot., ECF No. 14, PageID.65.) The Court held a video hearing on that motion on January 20, 2021, and granted it. Following the hearing, the Court issued a written order that directed Faust, by no later than March 25, 2021, to either (1) retain new counsel and have that counsel file a formal appearance in this action on his behalf or (2) notify the Court in writing that he planned to represent himself. (*See* Order, ECF No. 20.) The Court further told Faust that if he "fail[ed]" to comply with this obligation, the Court [would] dismiss [his] action without prejudice for failure to prosecute." (*Id.*, PageID.87.) Faust's former counsel then

served that order on Faust at his address on record with the Court. (*See* Certificate of Service, ECF No. 22.)

Faust did not comply with the Court's order. New counsel has not appeared in this action on his behalf. Nor has Faust filed a notice with the Court indicating that he wishes to represent himself. Indeed, it does not appear that Faust has taken any action to prosecute his claims since his counsel was allowed to withdraw.

Accordingly, because Faust has failed to comply with the Court's order to retain new counsel or notify the Court that he wishes to represent himself, and because he has otherwise failed to take any action to prosecute his claims, **IT IS HEREBY ORDERED** that Faust's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**. *See* Fed. Rule Civ. Proc. 41(b) (providing that a court may dismiss an action for "failure of the plaintiff to prosecute or to comply with these rules or any order of the court").

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 6, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 6, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764